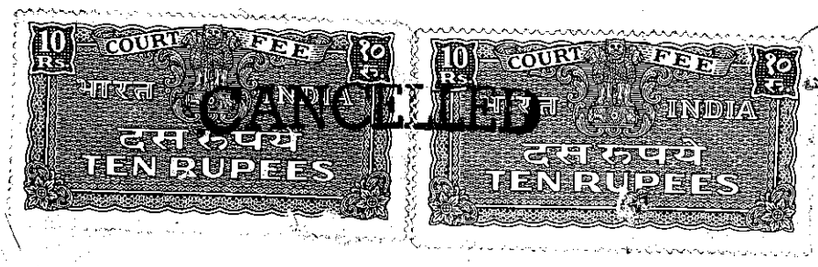

(B)

CF 207

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

CONTEMPT PETITION NO 53 /2003

Single Bench

APPLICANT
PETITIONER : Purnoshattam Dubey
S/o Shri P S Dubey
Aged about 49 years
Assistant Project Officer
Mungeli, Distt. Bilaspur
Chhattisgarh

Versus

CONTEMNORS
RESPONDENTS:

1. Sri R.P Bagai
Principal Secretary,
Department of Agriculture
Raipur.(Chhttisgarh)

2. Shri B K S Ray,
The Then Principal Secretary
Agriculture Department
Raipur, Chhattisgarh

3. Sri Gaya Ram Lateyare,
Agriculture Department, Mungeli
Distt. Bilaspur, Chhattisgarh

4. Sri. A B Prasad,
The Director Department of
Agriculture , Labhandi Farm,
Raipur, Chhattisgarh

5. Sri P K Kradatta,
Director Agriculture Department
Composite Building, Bilaspur
Chhattisgarh

P. R. No. 1369/03 Presented by Shri ... dated 16.06.03

CONTEMPT PETITION UNDER ARTICLE 215 OF THE CONSTITUTION OF INDIA READ WITH SECTION 12/15 OF CONTEMPT OF THE COURT.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Contempt Petition No. 53/03 **सन्** 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12-9-2003

Shri Vinod Deshmukh for the applicant.

Shri Rajesh Pandey for the respondents.

Heard.

2. This petition has been filed by the applicant on the ground that the order dated 1/4/2003 passed by this Court in W.P. No.212/03 has not been complied with.

3. Learned counsel for the applicant submits that this Court passed the order dated 1/4/2003 in W.P. No.212/03 as under:

> "Shri Vinod Deshmukh counsel for the petitioner.
> State by Shri Ranbir Singh, Govt.Advocate
> Heard. The petition is admitted for hearing.
> Issue notice returnable at an early date.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Counsel for the petitioner submits that without serving the order dated 21/1/2002, he has been suspended and even he is not being given subsistence allowance.

The State shall ensure that the petitioner gets subsistence allowance during the period of suspension within a month from today.

Accordingly, I.A. No.554/03 stands disposed of.

Certified copy as per rules."

4. It is contended that the applicant produced the said order before respondent no.1 alongwith his representation dated 16/4/2003 for compliance but respondent no.1 did not comply the order and pay the subsistence allowance. It is stated that the applicant had given repeated reminders and representations to respondents but no subsistence allowance was paid to him.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5. Shri Pandey, counsel appearing for the respondents, has submitted the reply. It is submitted that the petitioner has suppressed the material facts. It is also submitted that after 1/4/2003, the court had passed various orders. It is pointed out that the writ petition itself was disposed of on 2/7/2003. It is also pointed out that on 2/7/2003, when the petition was heard and disposed of, the Officer-in-charge was present and a grievance was made to the effect that "It is stated that the petitioner has not given complete address". This Court noted the statement and gave a direction that "He should give so that payment etc. be made". It is also mentioned that "In the representation, complete address of the petitioner duly certified by his counsel shall be given". According to the respondents, this representation, wherein the certified address

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

was given, was submitted on 7/7/2003 before respondent no.1 and the same was decided on 21/8/2003. It is also pointed out that on 25/7/2003 the applicant was asked to collect subsistence allowance and this information was sent through peons of the office but he refused to receive the same. It is stated that on 27/8/2003 the applicant was called at the office and was paid subsistence allowance amounting to Rs.98,629/- through Bank Draft No.279165 dated 26/8/2003 and a receipt given by the applicant has been filed. The applicant was also paid salary for the month of August, 2001 and arrears of dearness allowance from January, 2001 to August, 2001 total amounting to Rs.4737/- was paid through Bank Draft No.13420/- and a receipt of the payment has been filed. Counsel submitted that the applicant though received the payment but

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मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 5 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

declined to receive other official documents like charge-sheet and other correspondence made by the department, which were sought to be served on him. Even he was sought to be served with the documents through Superintendent of Police also.

6. Counsel for the respondents submitted that the applicant had not given his whereabouts and as such specific request was made on 2/7/2003 and only after the Court's direction he gave the correct address.

7. Having heard the learned counsel for the parties and on perusal of the record, it is borne out that the applicant has filed this petition suppressing the material facts. It is also noted that he has also joined respondents no.2 to 5, who have nothing to do with the payment. There is no justification for joining them. Even the

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..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 6 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

payment was delayed because of not giving his own address. There is ample material placed by the department on record that though the applicant received the payment but declined to receive the documents. The contempt jurisdiction is extra ordinary one and the person making it has to come with clean hands. The applicant has made the allegations without basis.

8. Accordingly, this Court thinks that the proceedings initiated are without any rhymes and reasons. They deserve to be dropped and are dropped. The respondents are discharged.

9. This contempt petition is dismissed with costs to be borne by the applicant. Counsel fee as per scale is certified.

10. The applicant to remain careful in future.

Sd/-
Fakhruddin
Judge

HC

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YOGENDRA SINGH KANWAR
Digitally signed by YOGENDRA SINGH KANWAR
Date: 2025.04.25 17:59:23 +0530